

RECEIVED
CENTRAL FAX CENTER

NOV 16 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#7

Appl.No.: 10/081,355
Applicant: Anandakumar et al
Filed: February 21, 2002
TC/AU: TBD
Examiner: TBD

Confirmation No.: 9762

Docket: TI-29773
Cust.No.: 23494

RENEWED PETITION under Rule 137(a)

RECEIVED

NOV 18 2004

Commissioner for Patents
P.O.Box 1450
Alexandria VA 22313-1450

OFFICE OF PETITIONS

Sir:

In response to the Dismissal of Petition to Revive mailed September 16, 2004, applicants hereby renew their petition pursuant to Rule 137(a) to revive the above-identified application which was unavoidably abandoned and provide the following:

(1) The reply required to the outstanding Office notice was previously mailed on September 15, 2003.

(2) The petition fee is authorized in the accompanying Fee Transmittal.

(3) The following listing of pertinent events will show that the abandonment was unavoidable:

On February 21, 2001 applicants filed provisional Appl.No. 60/270,264.

On June 15, 2001 applicants received the Filing Receipt for the provisional application which had been mailed by the USPTO on June 11, 2001.

On February 21, 2002 applicants filed the conversion of the provisional application into the present nonprovisional Appl.No. 10/081,355 (the "Application"); the Application was filed without declarations.

On March 26, 2002 applicants received the Filing Receipt for the Application which had been mailed by the USPTO on March 20, 2002. A Notice to File Missing Parts for the Application was not received concurrently with the

Adjustment date: 12/03/2004 AKELLEY
09/17/2004 AKELLEY 00000017 200668 10081355
01 FC:1452 110.00 CR

Appl.No.: 10/081,355
Renewed Petition dated November 16, 2004
Response to Dismissal mailed September 16, 2004

Filing Receipt. The enclosed Declarations of Allen B. Kroger and Carlton H. Hoel establish this failure to timely receive any Notice to File Missing Parts mailed March 20, 2002.

On June 10, 2002 and June 12, 2002 applicants signed the declarations for the Application and waited for a Notice to File Missing Parts from the USPTO.

Shortly before August 19, 2003 applicants sua sponte reviewed PAIR entries for the Application and found an entry listing a mailing on March 20, 2002 of a Notice to File Missing Parts. As a consequence, applicants contacted the USPTO to request a copy of this Notice to File Missing Parts which had not been received by applicants.

On August 19, 2003 the USPTO faxed a copy of this Notice to File Missing Parts to applicants.

On September 15, 2003 applicants submitted the declarations (which previously had been signed June 10-12, 2002) together with a copy of the faxed Notice to File Missing Parts to the USPTO.

On January 05, 2004 applicants received a Notice of Abandonment mailed by the USPTO on December 31, 2003 (copy attached).

Applicants failure to timely receive the Notice to File Missing Parts made the abandonment of the Application unavoidable.

(4) No terminal disclaimer is required pursuant to Rule 137(d)..

Respectfully submitted,



Carlton H. Hoel
Reg. No. 29,934
Texas Instruments Incorporated
PO Box 655474, M/S 3999
Dallas, Texas 75265
972.917.4365



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/081,355	02/21/2002	Krishnasamy Anandakumar	TI-29773

23494
TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

CONFIRMATION NO. 9762
ABANDONMENT/TERMINATION
LETTER

OC000000011591207

Date Mailed: 12/31/2003

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 03/20/2002.

- The reply received on 09/22/2003 was untimely.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

RECEIVED
NOV 18 2004
OFFICE OF PETITIONS

NOV 16 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl.No.: 10/081,355
Applicant: Anandakumar et al
Filed: 02/21/2002
TC/AU: TBD
Examiner: TBD

Confirmation No.: 9762

Docket: TI-29773
Cust.No.: 23494

DECLARATION OF CARLTON H. HOEL

I, Carlton H. Hoel, do hereby declare:

- (1) I am an attorney of record in the above-identified application (the "Application") and the attorney at Texas Instruments Incorporated ("TI") assigned to prosecute the Application.
- (2) Prior to shortly before August 19, 2003, I had no knowledge that a Notice to File Missing Parts dated March 20, 2002 (the "Notice") had been rendered in the Application.
- (3) Prior to receiving on August 19, 2003 a faxed copy of the Notice, the prosecution file for the Application contained no copy of the Notice.
- (4) A copy of a printout of the record in the TI legal database relating to the Application is attached. The entry "Blue Filing Receipt 03/26/2002" in the upper left of page 2 of this printout shows reception on March 26, 2002 of the Filing Receipt (mailed March 20, 2002), but there is no entry indicating reception of the Notice also mailed March 20, 2002.
- (5) My first indication that the Notice had been rendered in the Application was shortly before August 19, 2003 when my secretary queried PAIR entries for the Application and found the listing of the Notice as mailed March 20, 2002.
- (6) After the August 19, 2003 reception of a faxed copy of the Notice, I submitted the missing parts (declarations of the inventors previously signed June 10-12, 2002) plus a copy of the Notice on September 15, 2003. In view of these facts, the submission of the missing parts was timely; the abandonment of the Application was unavoidable and the Application should be revived.
- (7) I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Carlton H. Hoel

November 16, 2004

RECEIVED

NOV 18 2004

OFFICE OF PETITIONS



Patent: T29773 , United States, Regular, National, Original Filing

Patent Data

Docket Number	T29773	Attorney	Hoel, Carlton H.
Country	United States	Agent	
Case Type	Regular	Client\Division	SC DSP
Relation Type	Original Filing	Current Owner	Texas Instruments
Filing Type	National	Previous Owner	
Filing Number		Con/Div	
Status	Filed	First Filing Date	2/21/2001
Sub Status		Sub Status Date	10/26/1999
Parent Country		Parent Filing Date	
Parent Number		Parent Grant Date	
Application Number	10/081,355	Application Date	2/21/2002
Patent Number		Grant Date	
Publication Number		Publication Date	
Assigned	Assignment Recorded	Ind. Claims\Designs	0
Convention Type		Total Claims	0
Custom Code #1		TotalClasses	
TaxAgent		ConfirmationNumber	
Operating Group		Tax Base Date	
Custom Party #1		Next Tax Date	
Custom Party #2		Expiration Date	
Custom Party #3		PTO Customer No.	
Custom Party #4		Custom Date #1	
Custom Party #5		Storage Location	CHH
Custom Party #6		Conception Date	
Custom Party #7		Storage Box/Date	9/22/04
Custom Party #8		Receive Date	
Agent Ref No.		Art Unit	
Strategy 1	Software	Last Review Date	
Strategy 2	DSP	Examiner Name	
Strategy 3		Gov Contract No	
Licensing		Disc/3rd Yr Merit	
Custom Code #6		7th Yr Merit	
Custom Code #7		11th Yr Merit	
Customer Code	TXPP	Customer Name	Texas Instruments

Title

ADAPTIVE VOICE PLAYOUT IN VOP

Description

ABSTRACT OF THE DISCLOSURE Packetized CELP-encoded speech playout with frame truncation only during silence and frame expansion method dependent upon voicing classification with voiced frame expansion maintaining phase alignment. MAIN CLAIM:
1. A method for playout of packetized speech, comprising: (a) deferring truncation of an active frame; and (b) truncating a silence frame.

Current Expense Information

Other Case-Related Information

Actions

RECEIVED
NOV 18 2004
OFFICE OF PETITIONS

Action	Atty Action Due Date	Atty Action Comp Date	Response Due Date	Mail Date	PTO Complete Date	Assigned Atty	Review Atty	Action Notes
Express mail Receipt		2/25/2002						
Application, Non-Provisional				2/21/2002	2/21/2002	Hoel, Carlton H.		
Blue Filing Receipt Declaration		3/26/2002		9/15/2003	9/22/2003	Hoel, Carlton H.		
Assignment				9/15/2003	9/22/2003	Hoel, Carlton H.		
Petition to Reinstate				3/3/2004	3/3/2004	Hoel, Carlton H.		
Blue Filing Receipt Denied					7/6/2004 9/16/2004			
Info Discf. Statement			5/21/2002	1/1/1930				
Renewed Petition			11/16/2004					

Inventors

Inventor	Division	Cost Center	Employee No	Original Inventor Name	Company Status	Assignment Date	Term Date
3	5105	0214577	ANANDAKUMAR, KRISHNASAMY				
3	5105	0188222	MCCREE, ALAN V				
3	5105	0188446	PAKSOY, ERDAL				

Other Number

Other Number Code	Other Number1	Other Number Date
Recordation	RL014524/FR0047-0051	9/22/2003

CreateUser: MDC

UpdateUser: ENT\ao185063

CreateDate: 2/25/2002

UpdateDate: 9/22/2004

Copyright 2002 by Master Data Center, Inc.

RECEIVED

NOV 18 2004

OFFICE OF PETITIONS

NOV 16 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl.No.: 10/081,355
Applicant: Anandakumar et al
Filed: 02/21/2002
TC/AU: TBD
Examiner: TBD

Confirmation No.: 9762

Docket: TI-29773
Cust.No.: 23494

DECLARATION OF ALLEN B. KROGER

I, Allen B. Kroger, do hereby declare:

(1) I am currently an employee of Texas Instruments Incorporated ("TI") and have been an employee of TI at all times from the filing date of the above-identified application on February 21, 2002 to the present date.

(2) My official title is Docketing Services Coordinator, and my duties include the logging into the TI legal database all incoming mailed communications from the USPTO to TI.

(3) I have reviewed the TI legal database and found no indication that a Notice to File Missing Parts mailed March 20, 2002 for the above-identified application was ever received by TI.

(4) Being that there is no indication in the TI legal database that said Notice to File Missing Parts was ever received by TI, I conclude that TI never received said mailed Notice to File Missing Parts, because if TI had received it in the mail, I would have entered the information into the TI legal database.

(5) I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Allen B. Kroger

November 16, 2004

RECEIVED
NOV 18 2004

OFFICE OF PETITIONS